

REMARKS

Amended claim 1 includes the subject matter of claim 15 which the Examiner indicated would be allowable if placed in such form. Accordingly, allowance of claim 1 is believed proper, and action to that effect is respectfully requested, along with claims 2, 3, 8, 10, 12, 17, 18, 19, and 20 dependent therefrom.

Independent claim 22 covers a combination of a plurality of rigid containers and a dolly for removably holding and transporting the containers. Each of the containers is being defined as being rigid and substantially rectangular parallelepiped with a top opening and that an upright frame has a pair of shelves mounted in a spaced vertical relationship for supporting the containers wherein the shelves have open fronts for horizontally placing and removing the containers therefrom and that a lid is mounted on the frame and is complementary to the shape and size of the top opening of the uppermost container for selectively matingly engaging and closing the top opening of the uppermost container. With these features in mind, consider whether the cited references, individually or when properly combined, disclose such a combination as now set forth in amended claim 22.

Claim 22 was originally rejected in view of Hoffman (DE 317031) and Perelli (6,497,423), under 35 USC § 102(b) and (e). Hoffman shows a container for supporting a plurality of receptacles in a horizontal position, not vertical as set forth in new claim 22. Hoffman does not show a pair of shelves mounted in a spaced vertical relationship, and most importantly, the lid of Hoffman is not complementary to the shape and size of the top opening of the uppermost container for matingly engaging and closing the top opening. In Hoffman, the receptacles are stored within the container and a top lid closes upon the supporting structure itself and in no way engages the top opening of the uppermost

container. Accordingly, Hoffman does not show or suggest in any manner the combination now set forth in claim 22, individually or if combined with any of the other cited references discussed further below.

Perelli does show a type of dolly. However, it does not show a plurality of vertically spaced shelves which slidably support containers thereon wherein the shelves have open fronts for horizontally placing and removing the containers from the shelves, nor does it show a lid mounted on the frame which is complementary to the shape and size of the top opening of the uppermost container for matingly engaging and closing said top opening. Perelli shows a frame which has an intermediate shelf which forms the base for a permanent compartment 188 (see column 6, line 55, etc.) which has a door panel and a key actuated locking mechanism for opening and closing the door to provide access into the compartment. It is not intended to slidably support a container thereon. Likewise, the upper pivotally mounted member 32 closes with a second member 30 to form a storage compartment and does not even engage the open top of a flexible bag 214 which is supported on the cart handle 28. Thus, the construction of Perelli is completely different from that of Applicant's dolly and container combination as set forth in amended claim 22.

Hayes (4,821,903) shows a plurality of horizontally spaced containers and does not disclose or suggest a dolly having a plurality of vertically spaced shelves for slidably receiving containers thereon. Roman (5,707,030) shows a wheeled dolly, but not one having vertically spaced shelves. Furthermore, the lid 12 of Roman rests upon a ring 10 (Fig. 2) and does not matingly engage the top opening of an uppermost container as set forth in claim 22. Furthermore, none of the other cited references disclose the vertical spaced shelves for horizontally removing and placing the containers thereon in combination

with a lid which is complementary to the shape and size of the top opening of the uppermost container which matingly engages and closes said top opening. Accordingly, allowance of claim 22 as amended is believed to clearly define over the cited references, individually or when properly combined, and its allowance is respectfully requested.

New claim 29 specifies that a latch is formed on the lid and configured to clip over the rim defining the top opening of the uppermost container. Again, none of the cited references as discussed above show a lid which is complementary to the shape and size of the top opening of an uppermost rigid container and which matingly engaging and closing the top opening, much less one having a clip as now defined in claim 29.

New claim 30 specifies that the cutting mechanism includes a cutting tongue located within the lid and has an access slot formed on the lid to provide access for a cord to the cutting blade for severing a length of cord from the cord holder. This provides for a unique safety cutter mechanism whereby the slot provides access for the cord to the tongue which prevents a user from accidentally contacting the blade and being cut by the blade or tongue. Barnes (5,230,282), which shows a cord, merely states in column 4, lines 42-45 that the box may be provided with a serrated or other cutting edge, but does not show any type of cutter mechanism as now defined in claim 30.

Claim 31 furthermore specifies that the lid includes a dome-shaped portion and that the cutting tongue is located within the dome and that a slot is formed in the dome to provide access to the cutting tongue. Again, Barnes discloses no such structure. Accordingly, allowance of new dependent claims 30 and 31 is believed proper, and action to that effect is respectfully requested.

Claim 4 specifies that the receptacle has a substantially straight first side extending

along the frame, a curved bottom, and a second side terminating in a top end, with the second side being biased towards the first side by the curvature of the body. This receptacle 35 is clearly shown in Figs. 1-4 and it is respectfully submitted that it is not shown or suggested by Barnes even if combined with Romero (4,037,851) or Roman (5,707,030). Initially, Roman discloses no such U-shaped mesh metal screen receptacle and the receptacle of Barnes is U-shaped, but does not have a second side biased toward a first side by the curvature of the body. As shown in Romero, the receptacle is a rigid U-shaped member and has no curved bottom which biases the second side 48 toward the first side which extends along the mounting member. Likewise, in Barnes the outer leg or second side is angled outwardly away from the first side which is completely opposite to that of Applicant's wire mesh receptacle as defined in claims 4 and 26 from which it depends. Accordingly, allowance of claim 4 is believed proper in view of the cited references.

Claim 5, which is dependent from claim 4, specifies that the top end of the second side of the receptacle terminates in an outwardly curved configuration. Again, none of the references discussed with respect to claim 4 above show such an outwardly curved of the top end of the second side, clearly shown at 43 in Fig. 4 of Applicant's drawings. Accordingly, allowance of claim 5 is believed proper, and action to that effect is respectfully requested.

Claim 32 specifies that the shelves have upwardly extending side walls and a back wall and projections formed on the back wall to assist in positioning the containers on the shelves so that the lid properly engages the rim of the uppermost container. These projections are clearly shown at 18 in Fig. 1. This feature which was set forth in original claim 10 was rejected in view of Romero as modified by Roman, Manss (GB 2,025,860),

and McGinlay (GB 2319503). In particular, McGinlay, which allegedly was provided with rear projection structure 9 is configured to accommodate a specific container 10. However, it does not extend outwardly from the back wall to assist in positioning a container on the shelf so that the lid of the receptacle properly engages the rim of the uppermost container. In fact, it is specially configured to receive a container in its irregular shape. Accordingly, claim 32, when combined with the features of claims 29 and 22, is believed allowable, and action to that effect is respectfully requested.

In view of the above amendments to the claims, it is believed that the same are now in condition for allowance, and allowance of claim 1 together with claims 2, 3, 8, 10, 12, 17, 18, 19, and 20, together with independent claim 22 and claims 4, 5, 6, 7, 9, 11, 13, 16, 21, and 23-32 dependent therefrom, is believed proper, and action to that effect is respectfully requested.

1. (currently amended) A dolly for transporting a plurality of containers, said dolly comprising:

a frame formed of tubular metal having an inverted U-shape with a pair of vertically extending side members and a curved end extending between said side members, and having front and rear sides;

wheels for moving the dolly;

at least upper and lower support shelves mounted in a spaced relationship on the frame and extending outwardly from the front side of the frame in a cantilever manner for supporting containers thereon; and

a lid movably mounted on the frame providing a cover for a container supported on the upper shelf, said lid having an arcuate groove formed therein complementary to the curved end of the frame.

2. (original) The dolly as defined in claim 1 wherein at least one basket is mounted on the rear side of the frame and extends downwardly along said frame.

3. (original) The dolly as defined in claim 2 wherein the basket is a generally U-shaped metal mesh screen.

4. (currently amended) The ~~dolly~~ combination as defined in claim 3 26 wherein the ~~basket~~ receptacle has a substantially straight first side extending along the frame, a curved bottom, and a second side terminating in a top end, said second side being biased toward the first side by the curvature of the bottom.

5. (currently amended) The ~~dolly~~ combination as defined in claim 4 wherein the top end of the second side of the ~~basket~~ receptacle terminates in an outwardly curved configuration.

6. (currently amended) The ~~dolly~~ combination as defined in claim 4 wherein a slot is formed on the first and second sides of the ~~basket~~ receptacle adapted to receive a cord therethrough

al 7. (currently amended) The ~~dolly~~ combination as defined in claim 1-22 wherein the upper and lower shelves are formed with a plurality of drainage holes.

8. (original) The dolly as defined in claim 1 wherein the upper and lower shelves have upwardly extending side walls and a back wall.

9. (currently amended) The ~~dolly~~ combination as defined in claim 8-30 wherein mounting brackets extend outwardly from the back wall of the shelves; and in which fasteners secure the brackets to the upright frame to mount said shelves on the frame.

10. (original) The dolly as defined in claim 8 wherein projections are formed on the back wall to assist in positioning the containers on the shelves.

11. (currently amended) The ~~dolly~~ combination as defined in claim 8-30 wherein the side walls have curved portions which merge into the back wall.

12. (original) The dolly as defined in claim 1 wherein the shelves are molded of plastic.

13. (currently amended) The ~~dolly~~ combination as defined in claim ~~12~~ 23 wherein the plastic is polypropylene.

Cancel claim 14

Cancel claim 15

ai 16. (currently amended) The ~~dolly~~ combination as defined in claim ~~14~~ 22 wherein a plurality of holes are formed on ~~the~~ a pair of side frame members for adjustably mounting at least the uppermost shelf thereon.

17. (original) The dolly as defined in claim 1 further including a cord holder thereon.

18. (original) The dolly as defined in claim 1 wherein a cutting mechanism is mounted thereon.

19. (original) The dolly as defined in claim 17 wherein the cord holder is mounted on the lid.

20. (original) The dolly as defined in claim 19 wherein a cutting mechanism is mounted on the lid adapted for cutting a cord.

21. (currently amended) The ~~dolly~~ combination as defined in claim 1-22 wherein the lid is dome-shaped and has a latch adapted to engage a container placed on the upper support shelf.

22. (currently amended) A combination comprising a plurality of rigid containers and a dolly for removably holding and transporting said containers, each of said containers being substantially rectangular parallelepiped with a top opening; said dolly having an upright frame with at least a pair of shelves mounted in a spaced vertical relationship thereon for supporting the containers thereon, said shelves having open fronts for horizontally removing and placing the containers thereon; and a lid mounted on the frame which is complementary to the shape and size of the top opening of the upper-most container for selectively matingly engaging and closing said ~~closes the~~ top opening of said ~~the~~ upper-most container.

23. (original) The combination defined in claim 22 wherein the dolly has an inverted U-shaped frame formed of tubular metal; and in which the shelves and containers are formed of plastic.

24. (currently amended) The combination defined in claim ~~23~~ 22 wherein a pair of wheels are mounted on the frame for movably mounting the dolly.

25. (currently amended) The combination defined in claim ~~23~~ 24 wherein a receptacle is mounted on and extends downwardly along an opposite side of the frame from the shelves.

26. (currently amended) The combination defined in claim 25 wherein the receptacle is formed of a U-shaped metal mesh screen.

al 27. (original) The combination defined in claim 22 wherein a cord holder and cutter mechanism is mounted on the lid.

28. (new) The combination defined in claim 22 wherein the containers have a bottom wall and a plurality of sidewalls tapered inwardly downwardly from the top opening to said bottom wall.

29. (new) The combination defined in claim 22 wherein a latch is formed on the lid and configured to clip over a rim defining the top opening of the uppermost container.

30. (new) The combination defined in claim 27 wherein the cutter mechanism includes a cutting tongue located within the lid; and in which an access slot is formed in the lid to provide access for a cord to the cutting blade for severing a length of cord from the cord holder.

31. (new) The combination defined in claim 30 wherein the lid includes a dome-shaped portion; in which the cutting tongue is located within said dome; and in which the slot is formed in the dome to provide access to the cutting tongue.

32. (new) The combination as defined in claim 29 wherein the shelves have upwardly extending side walls and a back wall, and projections formed on the back wall to engage a back wall of the container to assist in positioning the containers on the shelves so that the lid properly engages the rim of the uppermost container.
